



Arkansas Department of Career Education

EMPLOYEE MANUAL Effective July 1, 2009

Contents subject to change

STATE OF ARKANSAS



Department
Of Career Education

Mike Beebe
Governor

William L. "Bill" Walker, Jr.
Director

July 1, 2009

Employees:

I am excited to announce that the Department of Career Education now has a single employee manual which will be used by all agency staff for many years to come. This manual is the result of the collaborative efforts and hard work of many.

A special committee spent many hours reviewing the manuals used by the former Department of Workforce Education and Arkansas Rehabilitation Services. The two manuals have been combined into the new standard the entire Department of Career Education will now follow.

This new manual is a great resource for our agency. It clearly defines the policies and procedures that we follow every day as we strive to be the best employees we can be. I encourage you to take time to read through the manual to familiarize yourself, and in some instances refresh your memory, on our agency policies.

Since I've been Director, it has been important to me for our divisions to work together and continue to raise the bar as one to serve the citizens of our state. This new employee manual is another step in that direction.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Walker", with a stylized flourish at the end.

William L. "Bill" Walker, Jr.
Director



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About the Manual

This employee manual is intended to serve as a resource for employees of the Arkansas Department of Career Education (ACE). The information contained herein will help you to understand how we work as well as inform you about agency and state policies and practices. As in any community, there are laws, regulations, rules, and guidelines that govern how we work together and help us carry out our common mission. This manual contains information about some, but not all, of those policies; it is not intended to cover all topics or circumstances which employees might encounter in the performance of their duties.

It is vital to your success as an ACE employee that you become familiar with the policies included in this employee manual. Ignorance of the agency's policies will not be considered an acceptable reason for violating those policies.

Nothing in this manual is intended to create an express or implied contract of employment. While it is hoped that you will have a long, fulfilling, and successful career with ACE, all employment is at-will, which means that either the employee or ACE has the right to terminate the employment relationship at any time for any reason that is not discriminatory and does not violate state or federal policy.

The information contained in this manual is the most current at this time and supersedes all prior manuals. ACE reserves the right to make any revisions, modifications, interpretations, or deletions to the policies stated herein at any time. From time to time, employees may receive updated information, and it is the responsibility of employees to update their individual copies of the manual.

Mission Statement

The Arkansas Department of Career Education (ACE) has the mission of providing leadership and contributing resources to serve the diverse and changing career educational needs of Arkansas youth, adults, and persons living with disabilities.

Laws

Equal Employment Opportunity

ACE is an Equal Employment Opportunity employer committed to maintaining a non-discriminatory, diverse work environment. ACE does not unlawfully discriminate against any person on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or any other basis protected by applicable federal, state, or local law.

Title VII, Section 601-Civil Rights Acts of 1964, 1991 (Prohibition of Employment Discrimination)

Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) prohibits employment discrimination based on race, color, religion, sex or national origin. The Civil Rights Act of 1991 (Pub. L. 102-166) provides monetary damages in cases of intentional employment discrimination. ACE embraces workforce diversity and is committed to providing all employees a positive, discrimination-free environment in which to work. Opportunities for hiring, promotion, and training will be based upon consideration of the employee's qualifications, including ability to perform the work.

The Age Discrimination in Employment Act of 1967

The Age Discrimination in Employment Act of 1967 (Pub. L. 90-202) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. ACE, in compliance with the ADEA, does not discriminate against employees or job applicants on the basis of age with respect to any term, condition, or privilege of employment such as hiring, firing, promotion, layoff, compensation, benefits, job assignments, or training.

Section 504 of the Rehabilitation Act of 1973 and Titles I and V of the Americans with Disabilities Act of 1990

Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112) and Titles I and V of the Americans with Disabilities Act of 1990 (Pub. L. 101-336) protect qualified individuals from discrimination based on their disability.

ACE is committed to ensuring that no otherwise-qualified employee with a disability is excluded, segregated, or otherwise treated differently than other employees because of his or her disability.

The Americans with Disabilities Act protects individuals with disabilities from discrimination in the workplace. ACE supports the advancement of qualified employees with disabilities at all levels within the agency and complies with

the ADA in all agency employment practices, including job application procedures, hiring, firing, advancement, compensation, fringe benefits, training, and other terms, conditions, and privileges of employment. An individual with a disability is any of the following:

- Person who has a physical or mental impairment that substantially limits one or more major life activities (e.g., walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself)
- Person who has a record of such impairment
- Person who is regarded as having such impairment

An individual with a disability must be able to perform the essential functions of the job and must meet all other qualifications for a particular job, such as education and/or experience, but may need a reasonable accommodation in order to perform the essential functions of the job.

Upon request, a qualified person with a disability shall receive reasonable accommodations necessary to ensure equal access to employment, programs, and activities when such accommodation is not an undue hardship on the agency. Employees who require a reasonable accommodation to perform the essential functions of their jobs or to apply for promotions or transfers should notify their supervisor and provide written certification from a physician or individual certified to make such determination, stating the reason for the accommodations and the specifics (including equipment, if any) required to meet the accommodation.

Title VII of the Civil Rights Act of 1964 (Prohibition of Sexual Harassment)

It is ACE policy that sexual harassment will not be tolerated. Sexual harassment is a form of sexual discrimination and is addressed by Title VII of the Civil Rights Act of 1964. Sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to advances is a condition of a person's continuing status, or when submission to or rejection of the conduct is used as the basis for a decision affecting the person. Sexual harassment also exists when such conduct has the purpose or effect of interfering with a person's work or of creating an intimidating, hostile, or offensive environment.

Sexual harassment can either be quid pro quo ("something for something") harassment or "hostile environment" harassment. Within the guidelines set forth in the previous definition, a wide variety of conduct may qualify as

sexual harassment. It is impossible to list all potential behaviors, but the following is a partial list of conduct prohibited by the law and this policy:

- Sexual contact that is not freely agreed to by both parties, including inappropriate touching, hugging, or fondling
- Coercion for the purpose of sexual relations, including subtle pressure for sexual activity
- Unwelcome direct propositions of a sexual nature, including those occurring in situations that begin as reciprocal attractions, but later cease to be mutual
- Comments, questions, or statements of a sexual nature; epithets or jokes relating to gender or sexual orientation; remarks of a sexual nature about a person's body or clothing; remarks or speculation about sexual activity or sexual orientation directed at another; suggestive or obscene letters, notes, e-mails, phone calls, or invitations
- Sexual gestures or displaying of pornographic pictures, cartoons, or objects
- Any conduct or pattern of conduct that has the purpose or effect of creating an uncomfortable or hostile environment for third parties who are witnesses to the harassment or any consensual relationship where third parties, i.e., fellow employees, are negatively affected by the relationship

The ACE sexual harassment grievance procedure outlines the process for a sexual harassment allegation and includes investigative and disciplinary procedures to protect employees and visitors from any unwelcome behavior of a sexual nature. The process is as follows:

An employee who believes he or she has been subjected to sexual harassment should immediately report the incident to his or her supervisor, or if the supervisor is the subject of the sexual harassment complaint, to the supervisor's senior manager or to the Human Resources administrator. Employees should submit complaints made in good faith, expressed in reasonable terms, containing cause for the complaint, corrective action desired, and sufficient information upon which to base decisions.

When a supervisor becomes aware of an alleged incident of sexual harassment in his or her area of responsibility, he or she has a serious obligation to see that the incident is immediately and properly investigated and that appropriate disciplinary action is taken if warranted.

The person receiving the sexual harassment complaint from the employee must notify the Equal Employment Opportunity (EEO) officer. The ACE grievance procedure can be modified, waived, or otherwise changed in order

to fulfill the intent of the procedure, provided that the director or commissioner and employee agree to the waiver, modification, or change. No employee shall be required to solely or independently confront the person allegedly responsible for the action believed to be sexual harassment.

If upon investigation of the complaint, sexual harassment is found to have occurred, corrective and/or disciplinary action will immediately be taken. Such action can include the following as appropriate: warning, counseling, suspension without pay, removal from supervisory duties, or termination of employment. If the harasser is not an employee, action can include notification of the employer of a non-employee harasser or refusal to do business with a company whose employee is the harasser.

Retaliatory behavior against any complainant or any participant in the complaint process is prohibited. The initiation of a complaint of sexual harassment will not reflect negatively on the employee who initiates the complaint nor will it affect the employee's job assignment, status, rights, privileges, or benefits.

Release of Employee Information under the Arkansas Freedom of Information Act (FOIA)

Human Resources is considered the custodian of the records for employee personnel records and follows FOIA law pertaining to the release of information. Some employee information is a matter of public record and may be released in response to outside inquiries following review by the director or commissioner. Information that is considered public record includes name, current or past ACE employment, job title, salary, office address, and office telephone number. Additionally, the custodian of the records shall verify an employee's city or county of residence or address on record upon request, although an employee's home address will not be released. All other personal information of non-elected state employees is safeguarded and is released to people outside the agency only upon the employee's written authorization or as required by law.

Employees are entitled to view information in their personnel files at any time. Supervisors are entitled to view the personnel files of their subordinates.

Release of Employee Information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The HIPAA privacy rules went into effect April 14, 2003. HIPAA safeguards employees' right to privacy regarding who has access to their personal health-related information and under what conditions this information may be released.

Other Legal Considerations

ACE is also governed by the following:

Drug Free Workplace

ACE has a responsibility to provide a work environment free of drugs and alcohol. In compliance with the Drug Free Workplace Act of 1988 (Pub. L.100-690), the unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs and alcohol, including controlled substances, is prohibited on ACE property. Employees must report any criminal drug statute conviction occurring in the workplace no later than five days after such conviction. Violations may result in disciplinary action up to and including immediate termination.

Statement of Selective Service Status

Proclamation 4771, of July 2, 1980 (45 FR 45247, 3 CFR, 1980 Comp., p. 82), requires males 18 to 26 to register with the Selective Service within 30 days of their 18th birthday. Accordingly, male job applicants ages 18 through 25 must show proof of compliance with the federal Selective Service law to be eligible for employment. All offers of employment are contingent on compliance with the registration process. The Statement of Selective Service Registration Status Form will be retained in the employee's personnel file.

Anti-Fraud and Code of Ethics Policy

It is ACE policy to identify and promptly investigate any possibility of fraudulent or dishonest activities against ACE by employees. The definition of "fraud" in this policy is the deliberate misuse of state resources or assets for personal gain. ACE will take appropriate disciplinary and legal action against an employee who commits fraud, including termination of employment, restitution, and referral of information to the appropriate authorities for criminal prosecution. The ACE policy is consistent with R1-19-4-505 of the *Arkansas Financial Management Guide*.

Immunity From Suit

Under A.C.A. §19-10-305, employees of the state of Arkansas are immune from liability and from suit, except to the extent that they may be covered by liability insurance, for damages for acts or omissions, other than malicious acts or omissions, occurring within the course and scope of their employment.

Employee Relations

The Hiring Process

ACE seeks to meet its workforce needs through systematic recruitment and selection of the most qualified applicants for vacant positions. ACE complies with all federal and state laws, regulations, and policies in order to ensure a consistent, nondiscriminatory selection process that promotes fairness, diversity, and integrity.

Job vacancies are advertised as required by the state Office of Personnel Management. Applicants must submit a completed state application in order to apply for a position. All applications are screened by Human Resources for minimum qualifications, and the applications of candidates meeting minimum qualifications are forwarded to the manager for interviewing and final selection.

Applicant interviews are conducted by a panel of at least three experienced employees. Each applicant for a position will be asked the same questions developed by the hiring manager or supervisor based on the knowledge, skills, and abilities (KSAs) required for the job. Members of the interview panel will complete KSA rating forms and forward them to the hiring supervisor. The hiring supervisor will compile all interviewers' scores, summarize them on a Position Disposition Form, and complete a Personnel Recommendation Form requesting approval to offer the position to the selected candidate. A record of information gathered during reference checks should also be included in the hiring request packet. Newly hired employees will begin work on a date to be established in conjunction with Human Resources, which will be the first day of a pay period.

Employment of Relatives (Nepotism)

ACE employees who are in positions to make recommendations or decisions regarding employment, pay, promotion, work assignment, or work supervision cannot exercise this authority over family members. Employees who marry can continue in their current positions as long as a prohibited employment relationship as described above is not created. If a prohibited situation does occur, attempts will be made to find another position within ACE to which one of the employees can transfer or find an alternative reporting structure. If no other position or reporting structure is possible, one of the employees will be required to resign.

Disclosure Requirements and Restrictions

As part of the hiring process employees are required to report any benefit obtained from a state contract by a business in which the employee has a

financial interest (A.C.A. § 19-11-706). State employees are restricted from employment under certain conditions, both during the time they are employed by the state and after they leave state employment (A.C.A. § 19-11-709). New employees and employees receiving competitive promotions are required to complete the Employee Disclosure Certification and Employment of Family Members Form to ensure compliance with the code. Serious penalties may be imposed upon any employee who fails to comply.

Verification of Degrees, Licenses, and Certifications

As part of the final approval process for hiring, ACE will verify that the applicant holds any academic degree, license or credential, or other legal certification required to perform the job upon initial employment and on an ongoing basis. Examples of degrees, licenses, and certifications required by certain ACE positions include, but are not limited to, high school diplomas, postsecondary education degrees or certificates, Arkansas teaching licenses, Certified Rehabilitation Counselor (CRC) certification, other certificates indicating proficiency in a specific field, and commercial driver's licenses (CDLs). Any falsification of information may constitute grounds to revoke an offer of appointment to a position.

Employment Eligibility Verification (I-9)

As mandated by the Immigration Reform and Control Act of November 6, 1986, ACE is required to verify the identity and work eligibility of all employees (both temporary and permanent). New employees must properly complete the Employment Eligibility Verification Form (commonly called the I-9) and present proof of identity and eligibility to work to Human Resources within three working days of the start of employment. An employee will not be placed on the ACE payroll nor will a paycheck be generated until this paperwork has been received.

Criminal Background Check

In order to determine suitability for employment or continued employment, ACE requires all job applicants to apply for a criminal background check as a condition of employment and may at any time check the criminal conviction records of any agency employee. ACE policy complies with A.C.A. § 21-15-102, which requires a criminal background check of applicants for employment with state agencies in positions that include direct contact with children and precludes from such employment persons convicted of certain offenses as listed in the code.

ACE follows A.C.A. § 21-15-102 in disqualifying a job applicant or terminating an employee who has a conviction for any of the offenses specified in the code. In addition, ACE reserves the right to reject any job

applicant or terminate any employee for a relevant job-related conviction that, in the determination of ACE, makes the person unsuitable for employment regardless of whether the conviction is for an offense that automatically precludes employment as specified in the code. For positions that require operation of a motor vehicle, conviction includes misdemeanor traffic violations.

Falsification of application materials, including failure to disclose felony convictions, is grounds for termination of employment or non-selection of an applicant.

ACE employees must notify their supervisor and Human Resources within five days of a conviction for a felony, or any drug, alcohol, or sex-related offense. Failure to report such conviction is grounds for disciplinary action up to and including termination. Supervisors should notify Human Resources immediately upon being informed of any such conviction.

Drug Testing

For certain ACE positions, a pre-employment drug screen may be required of final candidates as a condition of employment. In addition, ACE may require “for cause” drug testing of any employee when there is reasonable suspicion that an employee is under the influence of drugs or alcohol or when the employee has been involved in an on-the-job accident or near accident while on ACE business and there is reasonable suspicion that drugs or alcohol may have been a contributing factor. If an employee is to be asked to take a drug test, the supervisor should contact Human Resources.

Driving Records

ACE participates in the state’s Vehicle Safety Program (VSP), which is administered by the Risk Management Division of the Arkansas Insurance Department. Current or potential employees who will be driving ACE vehicles or driving their personal vehicles on official ACE business must agree to have their driving records checked at initial hiring and as needed during their employment. The agency’s decision regarding an employee’s suitability for operating ACE vehicles or driving their personal vehicles on official ACE business will be based on the point system and penalties outlined in the current VSP document. Failure to maintain an acceptable driving record under VSP may result in termination of employment if operation of a motor vehicle is required for performance of essential job duties. For some jobs, employees may also have to comply with the U. S. Department of Transportation requirements for a commercial driver’s license.

Probationary Period

A newly hired employee will be placed on a six-month probationary period in order to allow the employee time to learn about the agency, his or her supervisor's expectations, and the duties of the new position. It is also during this time that the new employee has the opportunity to determine whether the position meets his or her expectations and to demonstrate the ability to achieve at least a satisfactory level of performance. Training and feedback on progress and performance are an integral part of the probationary period.

At the end of the probationary period, the employee's performance is evaluated and the employee is either placed in non-probationary status or the probationary period may be extended by not less than three and not more than six additional months at manager's discretion. Either the employee or the agency may end the employment relationship at any time during the probationary period with or without advance notice.

Similarly, an existing employee who moves to a different position will be placed on a six-month probationary period, after which a performance evaluation will be completed.

When appropriate, an employee who is past the initial probationary period and is experiencing difficulty meeting established performance standards may be placed on probation for a period of not less than three and not more than six months. During the probationary period, the supervisor will work with the employee using a Performance Improvement Plan (PIP) to identify and correct performance problems and to implement a positive, purposeful approach to meeting performance standards in the future. (See Performance Evaluation System Policy). When the PIP is successfully completed, documentation of the plan and probation will be removed from the employee's personnel file.

The Ongoing Employee-Employer Relationship

Changes in Personal Information

It is an important responsibility of each employee to promptly notify Human Resources of any changes in personal data such as legal name, change in marital status, home mailing address, home telephone number, number and name(s) of dependents, individual(s) to contact in case of emergency, and any other personal information needed for income tax, benefits, or other employment purposes.

Performance Evaluation

The evaluation of employee performance is intended to be a continuous process of communication between employees and supervisors and to serve several purposes, including the following:

- to evaluate each employee's effectiveness in performing assigned duties and responsibilities
- to identify factors that can improve job performance
- to clarify performance standards as they relate to the current job description
- to assist employees in developing additional knowledge, skills, and abilities for job advancement
- to recognize exceptional performance
- to document shortcomings or substandard performance
- to determine retention of an employee at the end of the probationary period
- to identify training and development needs

The immediate supervisor will evaluate the employee on how well the duties and responsibilities of the job are performed. A rating scale method of performance evaluation is used to determine an employee's work performance. The rating scale consists of the following four levels of performance: Exceeds Standard, Above Average, Satisfactory, and Unsatisfactory.

Formal performance evaluations are completed once every 12 months by the employee's supervisor. At the annual performance evaluation meeting, the evaluation report is reviewed and discussed by the supervisor and employee.

The first step of the process is performance planning during which the supervisor and employee discuss and come to a mutual understanding of job duties, projects, or objectives to be accomplished throughout the coming year. Performance standards should be set in order to measure results at the end of the year.

Both the supervisor and the employee will sign the performance evaluation report form, and the supervisor will submit the completed form to Human Resources. The employee's signature on the evaluation report form indicates that the performance evaluation was reviewed with the employee; the signature does not necessarily indicate that the employee agrees with the evaluation.

If an employee believes that an unfair or inaccurate performance evaluation has been given, a written response to the evaluation may be submitted to Human Resources with a request that it be placed in his or her personnel file along with the performance evaluation. An employee who chooses to formally appeal a performance evaluation must follow the appropriate process for appeal and should contact Human Resources for information.

Employees who receive a written performance-based or disciplinary reprimand during the 12-month rating period are not eligible for a merit increase.

In addition to conducting the formal performance evaluation as described above, supervisors are encouraged to provide informal and ongoing feedback to their staff throughout the year. With the provision of informal feedback throughout the year, theoretically no surprises should occur at the end of the year when the annual performance report meeting is conducted.

Resignation, Retirement, or Termination

An employee separating from active employment through resignation or retirement must provide a signed and dated resignation letter at least two weeks in advance of the last workday in order to leave in good standing. One copy of the letter is to be provided to the employee's supervisor and one copy to Human Resources.

If an employee is being terminated due to circumstances for which he or she is not responsible, i.e., elimination of position or reorganization, 30 days advance notice will be given to the employee. An employee may be terminated for unsatisfactory performance or conduct when he or she has received a warning but has failed to correct the unsatisfactory performance or conduct; in this case, no additional notice is required. Some behaviors or infractions may result in immediate termination of employment without previous warning if the behavior or infraction presents a serious threat to the rights and safety of others or to the operation of ACE.

An employee separating from employment for any reason must return all agency-owned keys, ID badges, and other equipment.

Reduction in Force

It is ACE's intent to provide continuing, stable employment. However, from time to time, certain situations such as lack of funds, reorganization, or changes in work priorities may make a reduction in the workforce necessary. Generally, this reduction will be accomplished through normal

attrition. If the reduction cannot be accomplished through attrition, ACE will follow the guidelines of the state Office of Personnel Management's Workforce Reduction Policy for state agencies. See the following link for the complete policy:

http://www.arkansas.gov/dfa/personnel_mgmt/opm_workforce_reduction_policy.html.

Employee Benefits

Employee Benefits Overview

ACE employees are entitled to a wide array of benefits, including the following:

- Health Insurance Plans
- Prescription Drug Plan
- Life Insurance
- Employee Assistance Program (StarEAP)
- Smoking and Tobacco Use Cessation Program
- Medical and Dependent Daycare Spending Accounts: Arkansas Cafeteria Plan (ARCAP)
- Arkansas Diamond Deferred Compensation Plan
- Retirement Plans
- Workers' Compensation Insurance
- Arkansas State Employees Association (ASEA)
- Credit Unions
- Career Service Recognition Payment

Health Insurance Plans

New employees are eligible for health insurance benefits the first day of the month following 30 days of employment. There are several types of plans and several carriers for each type of plan. Premiums vary according to the plan and family members covered by the plan. Employees pay a portion of the premium cost, which is deducted from the paycheck, and the state pays a portion of the premium cost.

Prescription Drug Plan

A prescription drug plan is included in the cost of the health insurance plans. The prescription drug plan provides for purchase of a 30- to 90-day supply of prescriptions at a local pharmacy.

The state of Arkansas has the right to change carriers and modify health insurance and prescription drug plans.

Life Insurance

The state of Arkansas provides all full-time benefits-eligible employees a \$10,000 basic term life insurance benefit at no cost to the employee. Employees do not have to enroll in health insurance to have this life insurance benefit. Supplemental term life insurance may be purchased by eligible employees at additional cost based upon the amount of coverage and the age of the employee.

Employee Assistance Program (StarEAP)

The State of Arkansas Employee Assistance Program (StarEAP) provides confidential counseling to ACE benefits-eligible employees experiencing emotional stress because of family/marital issues, grief or loss, financial pressures, alcohol or drug abuse, or other problems affecting work performance and mental well-being. Employees do not have to be enrolled in a state health plan to be eligible for services. StarEAP provides eight free counseling visits per episode.

Smoking and Tobacco Use Cessation Program

A smoking and tobacco use cessation program that provides free counseling and 50 percent off the cost of smoking cessation medication is available to employees and their spouses who are covered by a state health insurance plan. Four opportunities to participate in the program are allowed so long as the employee remains a state employee and has state health insurance plan coverage.

Medical and Dependent Daycare Spending Accounts: Arkansas Cafeteria Plan (ARCAP)

ACE employees may pay for certain unreimbursed medical expenses and childcare or elder daycare expenses for eligible dependents through salary reduction by participating in the Arkansas Cafeteria Plan (ARCAP). Health and life premiums are converted pre-tax by default for ARCAP participants. Salary reductions occur before federal and state income tax and Federal Insurance Contributions Act (FICA) tax are computed (IRS Section 125).

New employees are eligible to enroll in dependent care reimbursement upon hire and in medical reimbursement after one year of employment. The maximum annual contribution to medical and dependent care accounts is set by the Internal Revenue Service (IRS). To open an ARCAP account, employees make an annual election to participate and identify the amount of

the contribution by completing the enrollment form and returning it to Human Resources. The plan year runs January 1 through December 31.

Retirement Plans

ACE employees have the opportunity to participate in either the Arkansas Teacher Retirement System (ATRS) or the Alternate Retirement Plan (ARP), which is a tax-deferred annuity contract.

ATRS is a defined benefit plan under 401(a) of the IRS Code. ATRS is one of the state retirement systems and is governed by retirement law of the state of Arkansas. ATRS provides retirement, disability, and survivors benefits to employees of Arkansas public schools and other education-related state agencies.

The ARP is a tax-deferred, defined contribution plan established under section 403(b) of the IRS Code. The ARP provides benefits through annuity contracts, both fixed and variable, or a combination thereof, as specified by the employee. There are several carriers authorized by the state to issue annuity contracts and approved by the State Board of Career Education to provide annuity contracts to eligible employees.

Upon the beginning of employment with ACE, 6 percent of the employee's salary is deducted each pay period and matched with a contribution of 14 percent from the state to be deposited in the employee's retirement account. New employees have 90 days to decide which retirement system to join; employee and state contributions are held in escrow until a retirement plan is selected.

A new employee should select a retirement plan carefully based upon his or her individual needs. Human Resources can provide additional information on the retirement plans or direct the employee to representatives of the retirement plans but cannot advise employees regarding their choice of a retirement plan or ARP carrier.

Arkansas Diamond Deferred Compensation Plan

The Arkansas Diamond Deferred Compensation Plan is a voluntary retirement savings plan through which pre-tax contributions are tax-deferred (IRS code 457b). The employee chooses a voluntary dollar amount to be payroll deducted up to an annual contribution limit set by the IRS and selects from the investment options such as mutual funds, index funds, or fixed investment options as provided by the plan.

Workers' Compensation Insurance

All ACE employees are covered by Workers' Compensation Insurance. An employee who is injured by accident or contracts an occupational disease may be entitled to Workers' Compensation benefits. Workers' Compensation may pay approximately two-thirds of the employee's usual pay up to a maximum set by Workers' Compensation. Workers' Compensation may be supplemented with sick leave and annual leave. The state continues to pay health insurance premiums while the employee is on Workers' Compensation.

Employees must report any injury or accident to their supervisor and to Human Resources and must complete necessary documentation regardless of whether medical treatment is sought. Employees receiving medical treatment should advise their physician that the injury is work-related. The injured employee must produce any related documents supporting the injury claim or absence and subsequent return to work to Human Resources.

Arkansas State Employees Association (ASEA)

The Arkansas State Employees Association (ASEA) is an independent non-profit organization of state employees chartered to improve state government and state employee benefits. ASEA members may participate in a variety of benefits and are eligible to purchase optional insurance products available through the State Employee Benefits Corporation (SEBCO). Products include auto, cancer, dental, disability, homeowners, life, manufactured home, and renters insurance. Active membership is \$52 annually for full-time employees. Dues can be paid through payroll deduction.

Credit Unions

Employees and their immediate families are eligible to join a credit union of their choice. Credit unions offer a wide array of financial services to members. Deposits and payments can be made through payroll deduction.

Career Service Recognition Payment

ACE recognizes the contributions of career employees with 10 or more years of service. In accordance with A.C.A. § 21-5-106, ACE awards career service recognition payments as follows:

10 through 14 years of state service	\$600
15 through 19 years of state service	\$700
20 through 24 years of state service	\$800
25 or more years of state service	\$900

Benefits Payable upon Termination, Resignation, Retirement, or Death

ACE adheres to the state Office of Personnel Management policy regarding benefits payment upon termination, resignation, retirement, or death. Authority for the policy is provided by A.C.A §21-4-101 et seq. When an employee leaves ACE because of termination, resignation or retirement, the amount due the employee from accrued and unused annual leave will be paid in a lump-sum payment. The lump sum cannot exceed 30 days of annual leave inclusive of holidays.

An employee beginning a period of active-duty military service may choose to have such leave held in escrow and reinstated upon the employee's return to ACE or other state employment.

An employee receiving a lump-sum payment is not eligible to return to ACE or other state employment until the number of days for which the lump-sum pay was received has expired. However, an employee may reimburse the agency which made the lump-sum payment for the number of days not expired and return to state employment with reinstatement of the appropriate number of days of annual leave.

Upon the death of an active employee, the amount of any accrued, unpaid sick leave incentive benefit and any unused annual and holiday leave due the employee will be paid to the employee's estate or authorized beneficiary. This lump sum cannot exceed \$7,500 for any sick leave incentive benefit and cannot exceed 30 days of annual and holiday leave.

Sick Leave Incentive Benefit

Upon retirement or death of an employee, the employee or beneficiary will receive compensation for unused sick leave. The amount of compensation is based upon the number of days of unused sick leave according to the following schedule:

- At least 50 days but less than 60 days—The employee shall receive an amount equal to 50 percent of the number of accrued sick leave days (rounded to the nearest day) times 50 percent of the employee's daily salary.
- At least 60 days but less than 70 days—The employee shall receive an amount equal to 60 percent of the number of accrued sick leave days (rounded to the nearest day) times 60 percent of the employee's daily salary.
- At least 70 days, but less than 80 days—The employee shall receive an amount equal to 70 percent of the number of accrued sick days (rounded to the nearest day) times 70 percent of the employee's daily salary.
- 80 or more days—The employee shall receive an amount equal to 80 percent of the number of accrued sick leave days (rounded to the nearest day) times 80 percent of the employee's daily salary.

Benefits Continuation through COBRA

An employee may be eligible to continue individual and family health insurance coverage through ACE under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986. The length of time a participant may continue coverage is based on what "qualifying event" causes the participant to lose medical coverage. Examples of qualifying events include death of a covered employee, retirement, termination, or reduction in the hours of a covered employee's employment for reasons other than gross misconduct, divorce or legal separation from a covered employee, a covered employee's becoming entitled to Medicare, and a child's loss of dependent status (and therefore health insurance coverage). Under COBRA, covered employees, their spouses, their former spouses, and their dependent children can elect to continue their group health insurance coverage for a period of time.

An employee who continues health insurance coverage through COBRA may convert his or her state life insurance policy to an individual policy. An employee eligible for retirement benefits can continue health insurance through the retirement plan and therefore will not lose life insurance.

Upon separation from ACE, an employee who is eligible for COBRA will receive a letter of notification from the Employee Benefits Division of the state Office of Personnel Management.

Office Procedures And Policies

Exempt and Non-exempt Employees

ACE defines exempt and non-exempt employees in accordance with the provisions of the Fair Labor Standards Act (FLSA) and is subject to the requirements of the act. Non-exempt employees are eligible for overtime compensation while exempt employees, whose duties usually are executive, professional, or administrative, are not eligible for overtime compensation. Non-exempt employees must not work more than 40 hours in a week without prior authorization for compensatory time. Non-exempt employees must not perform job duties during their lunch period.

Work Hours

Governor's Policy Directive (GPD) #5, Standards of Performance, which all state agencies must follow, states the following:

All state offices shall be open for business between 8:00 a.m. and 4:30 p.m. However, department directors shall have flexibility to establish other working hours for their department personnel so long as all employees work an 8-hour day. Deviations from the five-day, 40-hour workweek shall be approved by the Governor.

In accordance with GPD #5, the ACE policy for working hours is as follows:

Each ACE office and facility will be open for business between the hours of 8:00 a.m. and 4:30 p.m. While the normal workday for full-time employees is 8 hours, other variable workday schedules exist in the agency. For most employees, the basic 40-hour workweek is five 8-hour days, with a minimum 30-minute lunch break occurring during the midpoint of the employee's daily work schedule. Each senior manager is responsible for establishing the work schedule, including lunch breaks, for his/her area and for effective schedules for divisions or sections operating on a 24-hour basis or on other than the standard workweek.

Senior managers are encouraged to develop reasonable alternate schedule options for employees whenever client and constituent needs will not be affected and management concurs. The implementation of any alternate schedule option is subject to review and approval by the director, commissioner, or designee. The following criteria must be met when establishing an alternate schedule:

1. Offices and facilities must be sufficiently staffed to properly conduct business between the hours of 8:00 a.m. and 4:30 p.m.

2. No employee's regular schedule should begin prior to 6:00 a.m. or end later than 6:00 p.m., except at offices or facilities that operate 24 hours per day.
3. Sufficient work must exist that can be performed before 8:00 a.m. and after 4:30 p.m., and the alternate schedule must not decrease any customer service during the hours the office or facility is open.
4. Each manager is responsible for ensuring that appropriate supervision is maintained at all times while employees are on ACE premises.

Written approval of alternate work schedules must be included in the employee's personnel file.

Attendance

Employee attendance and punctuality are critical to ACE operations. All employees are expected to be at work when scheduled and are responsible for reporting anticipated absences to their supervisor before they are scheduled to begin their workday. If the absence is due to an emergency, the employee must notify the supervisor as soon as possible as to the reason and expected time of return. If the supervisor cannot be reached, the employee should follow the reporting procedure of the specific office.

Employees who are frequently late reporting to work or are excessively absent from work are subject to disciplinary action up to and including termination. Unexcused absences without notification may be considered job abandonment and may subject the employee to termination.

Compensatory Time

Occasionally, a non-exempt employee may be asked to work extra hours beyond the usual 40-hour workweek. Requests for compensatory (comp) time for a non-exempt employee must be requested by the supervisor and approved by the senior management team member in advance. Comp time is earned at the rate of 1½ hours of comp time for each hour (or partial hour) exceeding 40 that is worked in the week.

Time worked in excess of the routine work schedule in any one day of a workweek may be offset by scheduling the employee to work a lesser work schedule on a day during the same workweek and does not constitute comp time, only a readjustment in the employee's work schedule.

Employees are encouraged to use comp time in lieu of sick leave, annual leave, or holiday leave.

Inclement Weather

ACE observes the inclement weather policy for state government. Governor's Policy Directive #7 outlines the general policies that govern office and staffing procedures during inclement weather, as detailed below:

The general policy regarding inclement weather is that state government does not normally close its offices because of hazardous driving conditions. However, the obligation to provide services to the citizens of the State must be balanced with the risk of danger to state employees. It is therefore appropriate that guidelines which reflect the needs of our citizens' and employees' safety be established.

Department directors and agency administrators shall designate "critical" and/or "direct care" personnel, who will be required to reach their work stations by the time of regular office opening regardless of weather related conditions to assure that offices are open to the public and services are provided. Prior designation will allow critical personnel to prepare for weather conditions, and if need be, arrange alternative methods of getting to work.

In the Little Rock metropolitan area: In the event of early morning severe inclement weather conditions, the Governor's Office will determine whether this inclement weather policy will be placed into effect and will announce its implementation to the media before 6:30 a.m. if at all possible. The announcement will include the affected counties. On days declared to be covered by the inclement weather policy, all employees should be at their work stations by 10:00 a.m. Employees arriving by 10:00 a.m. will be given credit for a full day's attendance. Employees arriving after 10:00 a.m. will be charged the full amount of time involved in the tardiness, and employees not coming to work at all will be charged a full day's absence. Managers are responsible for adapting the arrival time for employees who work a schedule that does not normally require them to report at 8:00 a.m.

When severe inclement weather occurs during office hours, department directors and agency administrators have the discretion to allow employees to leave work early for safety reasons. Decisions to allow employees to leave work early, however, should recognize the requirement to maintain designated critical personnel and assure service delivery to the citizens for the full work day. Employees who are on the job, and who are allowed to leave early, will not be charged leave for that time.

In the areas outside of Little Rock metropolitan area: The agency director or the highest level field supervisor will determine when the inclement weather

policy is implemented based on weather conditions in different parts of the State. If the agency administrator chooses to delegate this authority to the field supervisor, such delegation should be made immediately and communicated to the employees under the supervisor. Local media shall be used to notify employees of policy implementation by 6:30 a.m. if possible. Where this approach is not possible, employees should be instructed to contact their supervisor when bad weather exists.

When the inclement weather policy is implemented in an area outside the Little Rock metropolitan area, the attendance provisions applicable to employees in the Little Rock metropolitan area will be applied to employees in the affected area.

If there is inclement weather but the inclement weather policy is not in effect, then employees who feel they cannot safely drive to work or who feel they must leave prior to the regularly scheduled time may use annual, holiday, or compensatory leave. In all cases, the decision whether the drive to work can be made safely must remain with the individual employee.

The Arkansas Career Training Institute (ACTI) is a 24-hour facility that must maintain coverage at all times. Accordingly, the facility is exempt from the Governor's Policy Directive and does not close because of bad weather. However, in order to provide for the necessary welfare, security, and safety of individual clients and patients during inclement weather, the ACTI administrator or designee, in consultation with the commissioner, may implement its inclement weather policy by notifying local radio and television stations, if possible; the ACTI switchboard; and ACTI department heads.

When the ACTI inclement weather policy is in effect, all employees who have not been designated as "critical" or "direct care" should be at their work stations no more than two hours after the beginning of their work shift. Employees arriving no more than two hours after the beginning of their work shift will be given credit for a full day's attendance. Employees arriving more than two hours after the beginning of their work shift will be charged the full amount of time involved in the tardiness, and employees not coming to work at all will be charged a full day's absence.

Dress Code

Workplace attire must be neat, clean, and appropriate for a professional setting. Casual dress may be worn on Fridays and summer "business casual" attire may be worn whenever the outdoor temperature is above 90 degrees. Based on the circumstances, appropriate business attire may be required on Fridays or days when the temperature exceeds 90 degrees.

Certain jobs and activities unique to the Arkansas Career Training Institute (ACTI) allow variance from the regular dress code policy. The ACTI dress code policy can be found in the appendix.

Smoking Policy

It is ACE policy to comply with all applicable public health laws that regulate smoking in public facilities. Smoking is prohibited inside all ACE buildings and vehicles and is permitted only in a designated smoking area.

Workplace Safety

ACE strives to provide a safe and secure work environment for all employees. Intimidation, threats, and acts of violence, with or without the presence of a weapon, will not be tolerated. Individuals found to engage in behavior in violation of this policy will be subject to disciplinary action up to and including termination. Employees who are aware of any acts of physical violence or threats should report this information to their supervisor or Human Resources. In case of immediate danger, law enforcement should be contacted.

Building Security

Office keys, encoded access cards, and ID badges are issued to authorized users only. Authorized users are responsible for the security of these items and are not allowed to duplicate or lend them to unauthorized persons. Unauthorized persons should not be admitted into ACE facilities without appropriate visitor check-in. The loss of keys, access cards, or ID badges must be reported to the supervisor. Office keys, access cards, and ID badges must be returned upon separation from ACE employment.

Telephone Calls

Telephones should be used primarily for business purposes. While ACE recognizes that brief personal telephone calls are sometimes necessary, excessive use of the telephone will not be tolerated. Employees who abuse this right may lose the opportunity to use ACE phones for personal needs and may be subject to disciplinary action up to and including termination of employment. Personal long-distance calls are prohibited.

Calls made outside of the office may not be charged to any ACE office number. Collect calls are not to be made to any office by employees, nor are employees permitted to accept incoming collect calls.

Use of Agency Property

Materials, equipment, and services purchased by the agency are obtained and retained to facilitate the fulfillment of our stated missions and are to be used for official agency business only. These include, but are not limited to,

- Personal computers, laptop computers, wireless devices, peripheral accessories, ink, and other supplies needed for proper operation
- Copy machines
- Long-distance service on facsimile machines
- Long distance service on telephones (both land lines and mobile)
- Postage meters
- Agency letterhead, envelopes, and other stationery items
- Office supplies
- Agency credit cards
- Vehicles

Laptop computers, paper files, or other agency property containing individuals' social security numbers or other information protected by the Health Insurance Portability and Accountability Act (HIPPA), the Family Education Rights and Privacy Act (FERPA), or other privacy laws may not be removed from ACE premises unless specifically authorized.

Misuse of agency property is prohibited. Violation of this policy may result in reasonable reimbursement to the agency and disciplinary measures up to and including termination of employment.

Computer Use and Security Procedures

ACE computers and access technology are provided for official agency business, and computers and all associated electronic files are ACE property. As specified in the above section, Use of Agency Property, these items cannot be removed from ACE premises without authorization.

Information is routinely communicated electronically throughout ACE and to outside parties. Therefore, employees should be cognizant of the fact that most records stored on computers, including e-mail transmissions, are subject to the requirements of the Freedom of Information Act (FOIA) and may be released to the public upon request. Files deleted from a computer may be recoverable.

It should be remembered that no system is absolutely secure. Electronic transmissions or files may be read through an error on the employee's part or someone else's misconduct. Therefore, every effort should be made to

protect the security of information through such measures as regular changing of passwords, careful use of flash drives, and as warranted, encryption of protected information.

Solicitation

In the interests of maintaining a proper environment and preventing interference with work, ACE employees may not distribute printed materials of any kind, solicit financial contributions, or solicit for any cause during working hours unless approved in advance by the director or commissioner. Employees who are not on working time may not solicit employees who are on working time for any cause or distribute literature of any kind to them without prior approval. This policy also prohibits solicitations via the ACE's e-mail and telephone systems.

Agency Travel Policy

ACE employees are reimbursed for authorized expenses incurred during in-state and out-of-state travel for the purpose of official agency business. ACE policy is in compliance with the regulations established by the Department of Finance and Administration (DFA) for state employee travel. DFA sets daily maximums for meals and lodging for in-state overnight travel. Daily maximums for meals and lodging for out-of-state travel are stated in the *Federal Travel Directory*. For up-to-date reimbursement rates and other policy information, employees should contact Finance before making travel arrangements and claiming reimbursement. Employees are responsible for completing all forms required for reimbursement.

Use of State Vehicles

ACE has a pool of state vehicles available for use by employees on official ACE business. In order to check out an ACE vehicle, an employee must hold a valid driver's license and the license must be validated through the state Vehicle Safety Program (VSP). Passengers are limited to ACE employees, associates, and invited guests engaged in ACE-related activities.

Vehicles are reserved on a first-come, first-served basis. However, in the interests of efficiency and economy, an employee may be "bumped" from a vehicle when the vehicle is needed for the transportation of more employees or for a longer trip.

Employees who drive a pool vehicle are responsible for adding gas (self-service only), checking oil, visually checking the condition of the vehicle (including tires). Vehicles must be returned clean and with a minimum of one-half tank of gasoline, or the privilege to drive a pool vehicle may be revoked.

Employees driving ACE vehicles are expected to observe all applicable traffic regulations and are personally responsible for penalties incurred for any and all violations.

Vehicle Safety

ACE employees and passengers are required to use seat belts while riding in or driving a state vehicle and while riding in or driving a personal car on state business.

An employee involved in an accident or traffic violation while driving a state vehicle must report the accident or violation to his or her immediate supervisor within 24 hours of occurrence or by the following business day. An employee involved in an accident or traffic violation while driving a personal vehicle on official ACE business must report the accident or violation to his or her immediate supervisor within 7 days of occurrence. As per state policy, administrative action will be taken against drivers who accumulate excessive points as assessed by the Office of Driver Services for convictions of moving traffic violations.

An employee who is required to drive a vehicle for official ACE business must immediately report to his or her immediate supervisor any suspension or revocation of his or her driver's license.

Records Retention

ACE follows the policies set forth in the Arkansas General Records Retention Schedule for records normally kept in state government. These records are organized into the following seven record categories: (1) General Administrative, (2) Meetings, (3) Automated Systems, (4) Personnel and Human Resources, (5) Fiscal, (6) Legal, and (7) Grants. Records retention requirements apply to all record formats and media (i.e. electronic, paper, microfiche, etc.). The minimum retention requirement is determined by content, not by format or media. For additional information, see the following link: http://www.arkansas.gov/dfa/igs/igs_records.html.

Freedom of Information Act (FOIA) Requests

An FOIA request received by any ACE work unit must be sent immediately to the director or commissioner for review. The director or commissioner will ensure that the response is handled in accordance with state law.

Payroll

Salary

Most ACE positions are classified according to the state Uniform Classification and Compensation System. The Uniform Classification and Compensation System establishes the compensation plan for the salaries and salary increases of all classified employees. Maximum annual salary rates for employees in unclassified positions are set by law.

Under the Uniform Classification and Compensation System, each position in state government is assigned to a job classification. Based on the duties and responsibilities involved, each job classification is assigned a pay range. In no case will an employee's pay be allowed to exceed the highest-level annual salary rate for the position.

Payroll and Direct Deposit

Employees are paid on a bi-weekly basis. As a condition of employment, employees must agree to direct deposit of their paycheck. A paycheck deposit notice indicating base salary and deductions, the net amount deposited into the employee's account, and year-to-date earnings is available to employees every pay period.

Leave

Annual Leave

Employees in regular salaried positions who work full-time and employees who work less than full-time but at least 1,000 hours per year are eligible to accrue annual leave. Part-time employees who work at least 1,000 hours per year accrue annual leave in the same proportion as hours worked. The amount of leave accrued is based upon length of service according to the following schedule:

Years of Employment	Monthly	Annually
Through 3 years	1 Day	12 Days
4 through 5 years	1 Day 2 Hours	15 Days
6 through 12 years	1 Day 4 Hours	18 Days
13 through 20 years	1 Day 6 Hours	21 Days
Over 20 years	1 Day 7 Hours	22.5 Days

Annual leave may not be taken until it is accrued and must be taken in 15-minute increments. A maximum of 240 hours of annual leave can be carried

over into the new calendar year. Leave amounts in excess of 240 hours on December 31 may be donated to the catastrophic leave bank or otherwise will be forfeited. Terminated employees whose last workday is prior to the 15th of the month do not accrue annual leave for that month.

Holiday Leave

Employees are entitled to 11 paid holidays per year:

- New Year's Day
- Martin Luther King and Robert E. Lee Day
- Presidents and Daisy Bates Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day
- Employee Birthday

Employees employed less than full-time receive a proportional amount of paid holiday time based on their scheduled hours.

It is recognized that individuals may have religious holidays other than those listed above. Those employees should notify their supervisors for permission to take time off no less than one week in advance of their desire to be absent to observe the holiday. This time may, at the option of the employee, be taken off without pay or charged to the vacation accumulation.

Sick Leave

Full-time employees receive 12 days of sick leave per year, which accrues at the rate of one paid sick day per month of completed, continuous service. Employees working less than full-time accrue sick leave in proportion to the number of hours worked. Sick leave may not be taken until it is accrued and must be taken in 15-minute increments. A maximum of 960 hours of sick leave can be carried over into the new calendar year. Leave amounts in excess of 960 hours on December 31 may be donated to the catastrophic leave bank or otherwise will be forfeited.

Sick leave may be used for illness, injury, pregnancy, or medical and dental appointments of the employee or in the event of a serious illness or death in the employee's immediate family: father, mother, sister, brother, spouse, child, grandparents, grandchild, in-laws, or any individual acting as a parent or guardian of an employee.

Documentation from the attending physician must be presented upon return to work after 5 consecutive days of sick leave have been taken. At any time, an employee's supervisor has the authority to require proof of illness, injury, or medical or dental appointments even if the employee was absent fewer than 5 consecutive days. The supervisor should be notified of any absence, planned or emergency, as early as possible.

Children's Educational Activity Leave

A.C.A. § 21-4-216 grants eight hours of children's educational activity leave per calendar year to regular full-time employees to attend or assist with the educational activities of a child. Unused children's educational activity leave may not be carried over to the next calendar year and is not compensable to the employee at retirement or termination.

An employee may request children's educational activity leave for a child enrolled in pre-kindergarten through grade 12 who is of the following relation to the employee:

- natural child
- adopted child
- stepchild
- foster child
- grandchild
- ward of the employee by virtue of the employee having been appointed the child's legal guardian or custodian
- any other legal capacity through which the employee is acting as a parent for the child

An employee may request leave for school-sponsored activities such as parent-teacher conferences, participation in school-sponsored tutoring or volunteer program, field trips, classroom programs, school committee meetings, academic competitions, or assistance with athletic, music, or theater programs.

Leave Without Pay

Under certain conditions, a supervisor may approve an employee's request for leave without pay (LWOP). Decisions regarding LWOP are made on a case-by-case basis, taking into consideration the impact upon the agency, the purpose for which the leave is requested, and the anticipated duration of the leave.

LWOP is normally not longer than six months but may be extended at the discretion of the director or commissioner. An employee who does not return to work at the end of the leave can be terminated.

During a period of LWOP, unused leave and retirement status continues unless 10 consecutive or nonconsecutive days of LWOP are taken during any one calendar month. If 10 days of LWOP are taken in a calendar month, the leave accrual (annual and sick) for that month only is forfeited. An employee on LWOP may continue health insurance coverage but must pay the total cost (employee deduction and employer matching) of coverage.

Court and Jury Leave

Employees will be excused with pay for jury duty and may keep any pay received for jury duty. The employee must notify his or her supervisor of the dates of jury duty and of any extension of time to be served. The employee is expected to report to work if excused from jury duty during normal work hours. A leave form must be completed for jury duty leave. Written verification from the court clerk of jury service must be presented with the request for jury duty leave.

Military Leave

Employees who are members of the Armed Forces of the United States are entitled to a leave of absence without loss of pay or accumulated vacation when engaged under official orders in the performance of annual training or emergency mobilization. Copies of official orders must be attached to requests for military leave.

Employees who are members of the National Guard or any of the reserve branches of the Armed Forces will be granted leave at the rate of 15 working days per calendar year plus necessary travel time for annual training purposes. This leave can be carried over from one year until the next calendar year.

Employees who are members of the National Guard or Armed Forces reservists called to active duty are granted military leave without pay for the term of military service up to a period of 5 years. When honorably discharged from active duty, the employee will be reinstated to his or her former position if the position still exists or in a position of similar status and pay. All accrued unused sick and annual leave at the time of military leave will be reinstated when the employee returns unless the employee requested and received a lump-sum payment for the accrued unused annual leave when placed on the extended military leave.

Catastrophic Leave

ACE participates in the state catastrophic leave bank program as authorized by A.C.A. § 21-4-214 and 6-63-602. The catastrophic leave bank, administered by the state Office of Personnel Management, is a pool of accrued sick and annual leave days donated by state employees for use by state employees who are experiencing catastrophic illness of themselves or a qualifying family member (spouse, parent, or dependent child). An employee applying for catastrophic leave must have been employed by the state for more than 2 consecutive years in a full-time regular salaried position. The employee at the onset of the illness or injury, must have had to his or her credit at least 80 hours of combined sick and annual leave and have exhausted all earned sick and annual leave. The request must be accompanied by certification from a physician that the illness requires the employee's absence from work for a minimum of 30 working days after the exhaustion of all paid leave. See the following link for the complete policy: http://www.arkansas.gov/dfa/personnel_mgmt/opm_policy/section_108_110.html#1.

Family Medical Leave Act (FMLA)

Employees who have been employed by ACE at least 12 months and have worked at least 1,250 hours during the 12-month period preceding the leave are eligible for leave under FMLA. This leave is provided for an employee with a serious health condition that does not allow him or her to perform the job; for the birth or adoption of a child into the employee's family; official placement with the employee of a child for foster care; or for the care of a child, spouse, or parent (not a parent-in-law) with a serious health condition. Annual, sick, and other paid leave must be used as part of the 12-week FMLA period with the exception that an employee taking maternity leave may choose to not substitute paid leave for FMLA leave. After all paid leave is exhausted, the employee is placed on Family Medical Leave Without Pay (FMLL). A maximum of 12 weeks of FMLA leave may be granted in a calendar year.

Maternity Leave

Maternity leave is treated as any other leave for sickness or disability. However, the employee may choose to take a leave of absence without pay without exhausting accumulated annual and sick leave.

Educational Leave

A permanent employee may be granted educational leave at the discretion of the director or commissioner for the purpose of improving his or her knowledge and skills. An employee who is granted educational leave must remain in ACE employment for twice the length of time of the educational leave or will be required to repay some or all of the costs of any tuition and

compensation paid by the ACE. If educational leave is granted, the employee will sign a written contract setting forth the terms of the agreement for the leave. The specific terms of agreement for educational leave are determined on a case-by-case basis depending upon the goals of the employee and the needs of the agency.

Disaster Service Volunteer Leave

An employee trained and certified as a disaster service volunteer by the American Red Cross may be granted leave of up to 15 working days in a calendar year without loss of pay or benefits to assist in disaster relief efforts. Leave will be granted only upon the request of the Red Cross for the employee's services and only for disasters in Arkansas or contiguous states. Disaster service volunteer leave must be requested in writing, and a copy of the Red Cross orders must be attached to the request.

Blood Bank (UAMS and Red Cross) Donation Leave

Employees are allowed up to one hour of administrative leave which does not count against sick or annual leave to make donations to the University of Arkansas Medical School (UAMS) Medical Center Blood Bank or the American Red Cross Blood Bank. The UAMS Medical Center Blood Bank is allowed to recruit blood donors only from among state employees, University of Arkansas students, and families of University Hospital patients. The UAMS Medical Center Blood Bank collection site is at the UAMS Hospital, while the Red Cross conducts mobile blood operations.

Organ and Bone Marrow Donor Leave

Employees who wish to serve as human organ donors are entitled to leave with pay for up to 30 days per calendar year, and employees who wish to donate bone marrow are entitled to leave with pay for up to 7 days per calendar year. To be approved for this leave, the employee must provide a written request from both the employee and the medical physician who will perform the transplantation. Written verification of the transplantation must be provided after the transplantation by the same physician.

Political/Outside Activity

Political Activity

Being a state employee does not take away an employee's constitutional rights such as voting. However, state employees are not allowed to endorse

any candidate or political position in their capacity as state employees. Specifically, state employees are not allowed to

- Take an active part in managing a campaign, campaign for political office, or otherwise engage in political activity during working hours unless appropriate leave time is taken
- Use state vehicles or state-owned equipment or supplies for campaign purposes or political activity
- Promise rewards to or use threats or coercion against other state employees to gain support for or a contribution to a candidate or party

Concurrent Employment

Any employee who wishes to hold a secondary job with another state agency must contact Human Resources so that the Concurrent Employment Request can be completed. Human Resources will prepare the Concurrent Employment Form and submit the required information for approval to the Department of Finance and Administration.

ACE employees who receive income in excess of \$500 from another state agency as wages or salary or as fees for consulting services must file the Extra Income Statement of State Employees with the Secretary of State by January 31 of each year for the previous calendar year. The Extra Income Statement of State Employees form can be found at the following website: http://www.sos.arkansas.gov/elections/elections_pdfs/extraincomeform.pdf.

Financial Interest Disclosure

Any employee who serves as the agency head, department director, or division director of state government is required to file a written Statement of Financial Interest by January 31 of each year.

Federal Hatch Act

ACE employees whose positions are financed in part by federal funds are subject to the Federal Hatch Act. These employees may not

- Use their authority to interfere with or affect the result of an election or nomination for office
- Coerce (either directly or indirectly), attempt to coerce, command or advise another state employee to pay, lend or contribute anything of value to a political party, committee, organization, agency or person for political purpose
- Be a candidate for elective public office in a partisan election

Employee Conduct Standards and Corrective Measures

It is the goal of the agency that employees will perform their job duties and responsibilities in a manner that reflects the highest ethical and professional standards of performance and conduct. The administration recognizes, however, that deviations from these standards do occur. Guidelines for appropriate administration of corrective actions are provided to ensure consistent application without regard to race, color, sex, age, religion, national origin, disability, veteran status, or political affiliation.

Each employee has a responsibility to

- Be familiar with and seek clear understanding of the standards set forth herein
- Strictly adhere to the standards set forth herein
- Participate, in good faith, in administrative investigations of standards violations
- Comply with the supervisor's or manager's plan of corrective action when a violation has occurred

Each supervisor or manager has a responsibility to

- Communicate the standards set forth herein—and any revisions—to all employees
- To monitor employee performance and conduct to determine compliance with the standards
- Establish and maintain a professional work environment in accordance with established safety and discrimination-avoidance practices
- Maintain documentation of each employee's performance and conduct, including complimentary notations as well as information about possible violation of standards
- Determine, in conjunction with designated Human Resources personnel, appropriate and consistent measures to be taken upon violation of standard(s)
- Document the corrective action taken, using the appropriate form, as a part of this policy in order to ensure all necessary information is recorded

The objective of performance counseling or coaching is to help an employee recognize a performance problem and develop effective solutions for it. A supervisor should conduct a counseling session with an employee or provide

additional training when the employee has committed a minor violation of policy or if the supervisor thinks that a clarification of policy and/or expectations is warranted. In such an instance, the supervisor should document the session with the employee using a Counseling Statement. The Counseling Statement, which is not considered a disciplinary measure, will be placed in the supervisor's file for the employee and will be destroyed at the end of the performance cycle in which it was issued or at the end of six months, whichever is later, provided the action or lack of action has been satisfactorily corrected. If the action or lack of action has been repeated and has resulted in an actual disciplinary measure, the Counseling Statement will be retained in the supervisor's file for as long as the disciplinary measure is effective.

This positive approach also includes a progressive system of discipline designed to appeal to the employee's self-respect rather than fear of punishment. Progressive discipline emphasizes solving problems and encouraging adherence to established standards. It focuses on communication and expectation of change and improvement. Progressive discipline is encouraged in most instances when standards have been violated. However, some standards violations may be so serious as to immediately warrant more severe measures.

In general, the phases of progressive discipline are as follows:

- *A verbal warning* is issued for the purpose of bringing to the employee's attention the violation of a standard, emphasizing the seriousness of the situation, and indicating the corrective action needed and the consequences of repeated violation. Documentation of the verbal warning is to be signed by both employee and supervisor and placed in the employee's personnel file to remain effective for three months from the date of the action, and it will be considered when determining the severity of subsequent disciplinary actions within that period. If no further violations occur within the period of effectiveness, the verbal warning is removed from the employee's personnel file at the conclusion of the three-month period.
- *A written warning* is given to bring to the employee's attention either an additional violation of a standard for which the employee has already received a verbal warning or a violation of a standard serious enough to warrant a more severe approach to correction. Documentation of the written warning is to be signed by both employee and supervisor and placed in the employee's personnel file to remain effective for six months from the date of the action. This documentation will be considered when determining the severity of

subsequent disciplinary actions within that period. If no further violations occur within the period of effectiveness, the written warning is removed from the employee's personnel file at the conclusion of the six-month period.

- *Suspension without pay*, usually for a period of three to five consecutive days, is levied as a continuation of progressive discipline or in a case where the standard violation warrants the immediate removal of the employee for a specified period of time. Suspensions should begin as soon as possible but must be approved by the director or commissioner. Documentation of the suspension is to be signed by the employee, supervisor, senior management team member of the employee's area, and director or commissioner. It will be placed in the employee's personnel file to remain effective for 12 months from the date of the action. This documentation will be considered when determining the severity of subsequent disciplinary actions within that period. If no further violations occur within the period of effectiveness, the documentation of suspension is removed from the employee's personnel file at the conclusion of the 12-month period.
- *Termination of employment* is an action taken when the nature of the violation(s) is extreme or there is an accumulation of violations, and continued employment of the employee is not in the best interest of the agency. The decision to discharge an employee must be approved by the director or commissioner. The Human Resources administrator, manager, or assistant manager must be present for all terminations.

Employees may receive appropriate disciplinary action for violation of any agency policy and/or any conduct standard, including but not limited to the following:

- *Illegal conduct, including*
 - conviction or admission
 - capital offense or felony charge
 - misdemeanor (except minor traffic offense, and depending upon job relatedness)
 - alcohol, illegal drugs, or abuse of legal drugs
 - reporting for duty while under the influence
 - failure to remain fit for duty due to the influence
 - sale, possession, or usage during working hours or while on state property
 - unauthorized possession or carrying firearms or other weapons and/or explosives while on duty or on state property

- attempted or actual theft, misuse, abuse, misappropriation, unauthorized possession, or unauthorized use of
 - agency property or personal property on agency property
 - agency equipment, materials, property, or facility
 - agency funds (includes fraudulent claims for reimbursement)
 - property entrusted to employees' care, unless the misuse, abuse, or loss are beyond the control of the employee
- bribery or accepting a bribe
- unlawful betting or gambling or promotion thereof during working hours
- willful discrimination on the basis of race, color, national origin, religion, sex, disability, age, political affiliation, or veteran status
- non-willful action resulting in discrimination and/or harassment by effect
- engaging in prohibited political activities
- engaging in activities that, in any way, take advantage of status as an ACE employee (actual or attempt) for any personal gain to the employee, the employee's family, or their business interests
- *Inappropriate personal conduct, including*
 - assaulting or physically attacking a client, another employee, and/or others
 - fighting or creating a disturbance on the premises
 - immediate disobedience or refusal to carry out reasonable work-related instructions
 - failure to accept authority by lack of cooperation with, and/or being argumentative with a designated group leader, supervisor or manager
 - abuse of, or failure to exercise supervisory authority and responsibility
 - smoking in an area not designated for smoking
 - failure to cooperate with or in an authorized investigation (grievance, abuse/neglect, criminal affairs)
 - sleeping on the job
 - working overtime without authorization
 - failure to follow established housekeeping and sanitation practices
 - selling or soliciting goods
 - during work hours, unless authorized
 - to clients
 - to providers
 - use of profane or abusive language and/or gestures that threaten, intimidate, coerce, ridicule, or demean an employee or

- client who may or may not be in the presence of other employees or clients, to include conversations on the telephone
 - discourteous treatment of the public, clients, or other employees.
 - excessive loitering, visiting, and/or otherwise interfering with the job performance of other employees.
 - horseplay that could or does result in harm and/or injury
 - excessive personal usage of agency telephones, computers, or other property or services, including any long-distance calls for which the employee does not reimburse the agency.
 - attending to personal business
 - scheduled work hours
- *Inappropriate conduct relating to work attendance, including*
 - failure to adhere to established work schedule, including start time, break and lunch times, and quitting time
 - unauthorized absences, including job abandonment and/or absences during the work day
 - misuse or abuse of sick leave
 - misuse, abuse, or unauthorized use of Leave Without Pay (LWOP)
 - failure to report to scheduled overtime duty
 - failure to return from leave of absence according to leave policy
- *Inappropriate conduct relating to information, including*
 - falsification of facts related to work (written or verbal), including client information, records, and/or files
 - falsification of facts on work records, employment or other types of applications, or intentional misstatement or omission of facts (written or verbal)
 - unauthorized release or divulgence of confidential or sensitive information (written or verbal)
- *Negligence, including*
 - endangering the safety or welfare of clients and/or employees due to neglect of standard operating procedures in carrying out normal job functions
 - failure to comply with health and safety rules to include failure or delay to report injury or illness of clients or employees.
- *Inappropriate use or operation of agency-owned motor vehicles, including*
 - use of vehicle for unauthorized or unofficial purpose
 - failure to report an accident to the police and/or division/department
 - conviction, pleas of guilt or nolo contendere or forfeit of bond for traffic or moving violation(s) in agency-owned vehicles

Employee Grievance Procedure

Most agency employees have the right to avail themselves of the agency's grievance process in the event the employee believes he or she has received unfair or discriminatory treatment under the disciplinary policy.

The grievance procedure is established to provide employees with a prompt review, impartial consideration, and an equitable disposition of their grievances. Any employee who presents a grievance or complaint in good faith and in a reasonable manner shall be free from restraint, interference, discrimination, or reprisal.

This procedure is intended to encourage employees to discuss problems with their supervisors thereby providing a basis to talk over matters of mutual interest, to explain, to reach agreement, to make adjustments if necessary, and to foster better understanding between employees and supervisors. Such discussion will lead to better employee/supervisor understanding of policies, procedures and practices.

POLICY

It is ACE policy that all employees will be given the opportunity, through established steps and procedures, to resolve within a reasonable timeframe complaints or grievances which they believe adversely affect their employment or working conditions.

It is also ACE policy that reasonable efforts will be made to settle complaints or grievances as quickly as possible. Direct contact on a one-to-one basis between supervisor and employee has always been agency policy, and thus the grievance procedure is not intended nor will it be allowed to become a barrier to the supervisor/employee relationship.

Employees should submit only grievances made in good faith, expressed in reasonable terms, and containing causes for the grievance, corrective action desired, and sufficient information upon which to base these decisions.

Access to this procedure does not create any expectation of continued employment but provides an avenue of review and resolution of internal situations.

DEFINITIONS

1. *Employee*—an individual who is a non-probationary, full-time ACE employee who occupies a regular salaried position and who works a minimum of 1,000 hours per year, provided, however, that this policy shall not apply to appointed positions, employees occupying exempt positions or employees who are on initial new-hire probationary status. Part-time, temporary, intermittent, and extra-help employees do not have access to this procedure.
2. *Grievance*—a complaint by an employee regarding an aspect of his or her employment, including, but not limited to, annual leave, sick leave, compensatory time, promotion, dismissal, demotion, suspension, discrimination or any other work-related problem except compensation and conditions which are beyond the control of agency management or are mandated by law.

Any employee who wishes to appeal performance evaluation ratings will use this procedure internally, but neither the State Grievance Review Committee (SGRC) nor the State Employee Grievance Appeal Panel (SEGAP) will hear these appeals, nor will either of these groups hear complaints concerning reduction-in-force.

Non-selection for promotion or lateral transfer will not be heard by SGRC or SEGAP unless discrimination is the basis of the complaint.

3. *Agency Internal Grievance Review Committee*—an internal committee convened for the purpose of reviewing internal grievances and making recommendations to the director or commissioner. This committee shall be composed of the director or commissioner or designee, the employee's designee and a third member chosen by the two designees. Individuals who work in the aggrieved employee's unit are ineligible to serve on that particular committee. Any employee who does not wish to serve on this committee will not be required to serve.

PROCEDURE

Participation by the grievant in any portion of this procedure is voluntary.

The entire grievance procedure shall be completed within 25 working days after the employee files a written grievance, unless an extension is agreed to by all parties involved. The total number of days, including extensions and/or appeal to the State Grievance Review Committee or the State Employee Grievance Appeal Panel, is not to exceed 35 working days.

It is recognized that supervisors and employees have frequent discussions of work-related problems or disagreements. These candid conversations are generally healthy and helpful to both participants, and this grievance procedure is not intended to inhibit these exchanges. Before filing a written grievance, an employee is encouraged to discuss with his or her immediate supervisor the employee's problem in order to reach a satisfactory solution to that problem. If the complaint is sexual harassment, the employee is not required to meet with the supervisor alone if the supervisor is accused of the harassment.

The grievance procedure may be terminated at any stage should an agreement between parties be reached.

All grievances and steps in the procedure and any appeal steps shall be processed through the agency's grievance officer and should be handled in accordance with the following procedure:

- Employees who feel that they have a job-related problem are encouraged to contact their immediate supervisor for an informal discussion of the problem. Most problems can be cleared up or resolved at this point.
- The employee and the appropriate level of management may have any person having knowledge of matters relevant to the grievance present at any and all steps of the grievance procedure. The employee may also submit or request the submission of relevant written documents at any and all steps. The employee shall be entitled to be represented by a person of his or her own choosing at each step of the grievance procedure except for the initial informal discussion with his or her immediate supervisor.
- In the event the problem is not resolved by an informal meeting between the employee and the supervisor, the employee shall contact the ACE grievance officer, who shall assist the employee in commencing the formal grievance procedure at step 1 or step 2 (outlined below) as deemed appropriate by the grievance officer. If, for some reason, the grievance officer cannot process the grievance, the employee should contact Human Resources to discuss selection of another party to act as grievance officer.
- Under special circumstances, the grievance officer has the authority to modify, waive, or otherwise change the grievance procedure in order to fulfill the intent of the procedure, provided such modification, waiver

or change is agreed to by the employee and the director or commissioner. The grievance officer shall submit, in the same manner as his or her final report to the Human Resources administrator, his or her justification for, and the details, of any variation from the state procedure.

- The director or commissioner may intervene at any step in the grievance procedure if the director or commissioner decides that direct action is necessary to resolve the grievance. The director or commissioner shall make every effort to resolve all matters involving allegations of unlawful discrimination, termination, suspension without pay, involuntary demotion, and/or failure to award compensatory time.
- Should any person within the agency intentionally interfere with, hinder, block or otherwise impede the processing of a grievance, such employee shall be subject to disciplinary action. Further, should any employee or supervisor willfully fail to meet any of the deadlines set forth within this procedure in such an attempt to delay the resolution or disposition of a grievance, such employee or supervisor shall be deemed to have forfeited any participation which such employee or supervisor might otherwise have under this procedure.
- At the conclusion of each step of the procedure, notification of decisions or recommendations will be provided to all parties involved, including the employee's immediate supervisor.

DETERMINATION OF GRIEVABLE MATTERS

In the event the grievance officer and the employee disagree as to whether the matter under consideration is a grievable matter within the scope of these procedures and Executive Order No. 86-1 and/or Executive Order No. 93-1, the grievance officer shall request a determination from the State Grievance Review Committee by filing information concerning the nature of the complaint with the administrator of the state Office of Personnel Management. The employee may file an additional statement concerning the nature of the complaint with the administrator of the Office of Personnel Management. This statement shall be filed with and attached to the grievance officer's request for the determination. Determination matters include whether the matter is grievable, whether the employee has access to the procedure, and whether the matter is grievable to the State Employee Grievance Appeal Panel.

The administrator of the Office of Personnel Management shall promptly report to the grievance officer and/or the employee (where applicable), the

committee's decision concerning the determination. Neither the administrator of the Office of Personnel Management nor any member of the State Grievance Review Committee shall make any findings at this stage with regard to the merits of such complaint. Their review shall strictly be limited to the determination of whether the complaint consists of a matter which is grievable.

Note: Meetings and hearings at all steps of this procedure shall be recorded, and if appealed to the State Grievance Review Committee or the State Employees Grievance Appeal Panel, shall be transcribed and shall become part of the case file record.

Grievances involving allegations of unlawful discrimination, termination, suspension without pay, involuntary demotion, and/or failure to award compensatory time shall commence at step 4 (director or commissioner level), option 1 or 2, of the Uniform Grievance Procedure.

At the conclusion of each step of the procedure, notification of decisions or recommendation will be provided to all parties involved, including the employee's immediate supervisor (when appropriate).

STEP 1

To initiate this grievance procedure, the employee must submit the grievance in writing to the department grievance officer within five working days of the occurrence of the grievable matter. The grievance officer will assist the employee in presenting his or her grievance to the immediate supervisor. The grievance officer will contact the immediate supervisor and arrange for a meeting within three working days between the employee and the supervisor with the grievance officer acting as a facilitator. The supervisor shall submit his or her decision in writing to the employee and the grievance officer within one working day.

STEP 2

If the employee is not satisfied with the results of step 1, he or she shall so indicate in writing to the grievance officer within one working day of receipt of decision. The grievance officer will arrange for a meeting between the employee and the next higher level of management within three working days after receiving the employee's written request. The manager will submit his or her decision in writing to the employee and the grievance officer within one working day.

STEP 3

If the manager hearing the grievance at step 2 is not the senior management team member for the operating unit in which the employee is employed, the employee, if not satisfied with the decision rendered at step 2, may request in writing within one working day a hearing with the senior management team member. The grievance officer shall arrange for such a hearing within three working days from the receipt of the request and shall again act as a facilitator and attempt to resolve the grievance. The deputy director or associate director may require the employee to set forth the nature of the disagreement with the decisions in the previous steps in writing prior to the hearing, and if called upon to do so, the grievance officer shall assist the employee in reducing the nature of the disagreement to writing. The deputy director or associate director shall submit his or her decision in writing to the employee, the grievance officer and to each subordinate manager involved within three working days following the conclusion of the hearing.

STEP 4

If the employee is not satisfied with the results of step 3, he or she shall so indicate in writing, to the grievance officer within one working day. The grievance officer will submit the matter to the director or commissioner. Two options are available to the director or commissioner. (Regardless of the option chosen, the hearing must be recorded and transcribed and shall become part of the case file, if appealed.)

Option 1: The grievance officer will, within three working days, arrange and attend a meeting between the employee and the director or commissioner or his authorized representative (e.g. special hearing officer). Subordinate managers shall attend at the request of the director or commissioner or his authorized representative. The hearing officer shall take testimony and accept exhibits.

Option 2: The director or commissioner may elect to have an internal grievance review committee meet within three working days to hear the grievance and make recommendations to him/her regarding resolution of the grievance. If this option is exercised, the director will appoint one employee member of the committee; the grievant will appoint one employee member of the committee; and the third member of the committee shall be an employee agreed upon by the director's and the grievant's appointees. No member of the committee shall be an employee of the grievant's office or work unit, nor shall any member be a supervisor or manager to whom the grievant reports in the conduct of

his or her usual work affairs. The committee shall hear from the employee, the grievance officer, the grievant's supervisor, the managers who heard the case at steps 2 and 3, and any other persons having relevant information regarding the subject matter of the grievance. Within three working days, the committee shall make their recommendations in writing to the director or commissioner.

Within three working days of the conclusion of either option, the director or commissioner shall submit his or her decision in writing to all parties involved, including the immediate supervisor (if appropriate).

STEP 5

If an employee is not satisfied with the decision of the director or commissioner, he or she may, within five working days of the director's or commissioner's written decision, appeal the director's or commissioner's decision to the State Grievance Review Committee or the State Employee Grievance Appeal Panel (as appropriate). The committee or panel shall conduct whatever review of the grievance it deems necessary. The panel shall hear grievances concerning allegations of unlawful discrimination, termination, suspension without pay, involuntary demotion and/or failure to award compensatory time. The committee shall hear all other grievances.

STEP 6

If the review body is the State Grievance Review Committee, the committee shall conduct its review and shall report its recommendations to the director or commissioner and the grievant within 10 working days. The director or commissioner shall review the committee's recommendations and shall submit within three working days, his or her decision in writing to all parties involved including the State Grievance Review Committee. The decision of the director or commissioner shall be final and binding on all concerned in regards to this procedure.

If the review body is the State Employee Grievance Appeal Panel, the state personnel administrator shall set a hearing date within five working days from the date of receipt of the grievant's written appeal. The panel shall conduct a hearing and make its decision within five working days following the conclusion of the hearing. The decision shall be forwarded to the director or commissioner, appealing party, representatives of both parties and the employee's immediate supervisor.

The director or commissioner shall review the panel's decision and effect implementation of the decision. If the director or commissioner does not

agree with the panel's decision, he or she may, within 10 working days of receipt of the panel's written decision, provide the chief fiscal officer of the state and the aggrieved employee with written justification of the agency's action and request a formal review of the panel's decision by the state chief fiscal officer. The employee may also submit comments regarding the agency director's or commissioner's justification to the chief fiscal officer. (Appeals to the chief fiscal officer shall be processed by the agency grievance officer or authorized representative.) Within fifteen days of receipt of the director's or commissioner's justification and written request for review, the chief fiscal officer shall issue a final administrative order affirming, reversing, or modifying the panel's decision with such order binding on the agency.

The grievance process does not, however, prohibit employees from availing themselves of remedies outside these procedures. Each employee retains the right to file a complaint with the Equal Employment Opportunity Commission or pursue any other legal remedy.

DOCUMENTATION

It shall be the responsibility of the grievance officer to file a brief report of the grievance, the procedures followed and of its ultimate disposition, along with copies of all documentary evidence, with the agency's Human Resources administrator within ten working days following final disposition of the grievance. In addition, when an employee commences the formal grievance procedure at step 1 or step 2, it shall be the responsibility of the grievance officer to immediately file a form with Human Resources listing the name of the employee and of his or her immediate supervisor, the employing unit, the name of the grievance officer chosen, a brief statement of the nature of the grievance and the date formal proceedings commenced.

All documentation relating to an employee grievance which shall be maintained in Human Resources shall be placed in a file separate from the employee's personnel file. No information relating to the grievance shall become a part of any employee's permanent personnel record. However, such records shall be maintained in hard copy for five years and permanently in such a manner as may be prescribed in applicable state and federal laws with regard to retention of such records.

GRIEVANCE PROCEDURE REVISION POLICY

Any changes to ACE's grievance policy must be submitted to the state Office of Personnel Management for review and approval before becoming effective and will be made public to ACE employees before becoming effective.

ACTI Policy 3.04

DRESS CODE AND PERSONAL APPEARANCE STANDARDS

PURPOSE: To establish guidelines for appropriate and professional dress and appearance by employees of the Arkansas Career Training Institute.

SCOPE: This policy applies to staff and volunteers at the Arkansas Career Training Institute.

POLICY STATEMENT: Personal appearance is a concern of the Arkansas Career Training Institute from the standpoint of public image, job safety, and health. While an employee's right to choose a particular style of dress, hair, etc. is recognized, the right to self-expression may be limited by the nature of the job. It is impossible for any dress code policy to cover every contingency and change of style. Clothing should be neat and clean, and generally reflect a positive image for the agency.

I. GENERAL GUIDELINES

- A) Employee identification badges are to be worn at all times. Badges shall be worn above the waist where the name and picture will be readily visible.
- B) Hair, including mustaches and beards, should be neat, clean, and well groomed. Fingernails are to be kept clean and at a reasonable length that will not interfere with work.
- C) Footwear should reflect a proper business appearance, be appropriate for the work activity, and be adequate to meet any necessary safety requirements.
- D) Tee shirts and sweatshirts must be of a dress nature (no expression or advertisements). There should be no logos other than ACTI and brand names of clothing such as Dockers, Polo, Levi, etc.
- E) Employees are expected to exercise good judgment in professional attire. Professional attire for females includes dresses and skirts of appropriate length, suits, pant suits, blouses, skirts, and slacks.

Professional attire for males includes suits, sport coats, shirts, ties, and slacks.

- F) Jeans will be permitted where appropriate based on the work activity; i.e. housekeeping, maintenance, and related areas, except on Friday casual days. Appropriateness will be determined by the department supervisor.
- G) Casual days are Fridays and other days designated by the administrator. Denim jeans and athletic shoes may be worn on these days.

II. DEPARTMENT GUIDELINES

- A) Food Service and Student Union: Hairnets and caps will be worn in compliance with Health Department requirements. Gloves will be worn as required by the nature of the activity being performed.
- B) Maintenance: Uniforms will be required in some areas.
- C) Housekeeping: Uniform tops will be required. Females will wear smocks, and male employees will wear uniform shirts or jackets.
- D) Nursing Services: Staff must be in uniform. Colored uniforms are permitted but must be a matched set. Matched scrub sets are also acceptable. Only leather or leather-like material shoes with non-slip soles are permitted. Heels, open-toed shoes, and canvas-type material shoes are not permitted.
- E) Physical/Occupational/Speech Therapy: Shoes must be closed-toed, and clothing must be professional yet functional.
- F) Recreation: Shorts may be worn when participating in physical activities such as baseball, basketball, volleyball, etc.

III. EXAMPLES OF UNACCEPTABLE ATTIRE

- A) Fatigue-like pants
- B) Warm-ups, sweats, or jogging suits (with the exception of the Recreation Department)
- C) Tank tops, halter tops, or tube tops.
- D) Jewelry or attire that presents a safety hazard
- E) Jewelry worn in body piercings

- F) Plunging necklines or backless clothing
- G) Plain or traditional flip-flops

IV. SUMMARY

It is the responsibility of the immediate supervisor to ensure that staff members are in compliance with this policy

Employees who have questions regarding appropriate appearance or attire should consult with their immediate supervisor.

Acknowledgement

I, the undersigned, acknowledge that I have received and/or been given access to the Department of Career Education Employee Manual that became effective July 1, 2009. I understand that the manual contains policies that comply with federal and state law and State of Arkansas rules and regulations.

I acknowledge that it is my responsibility to become familiar with and adhere to the policies contained in the manual and that any questions I have about information contained in the manual should be directed to my supervisor or to the Human Resources Department. I am aware that failure to follow the policies set forth herein may result in corrective action, up to and including termination.

Employee Name (Please Print)

Signature

Date Signed